

MOTION FOR SPECIAL ORDER

Mr. Anderson of Bexar moved that House Bill No. 630 be set as a special order for 10 o'clock a. m., tomorrow. The motion was lost.

MESSAGES FROM THE SENATE

Senate Chamber,
Austin, Texas, March 1, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 341, A bill to be entitled "An Act to amend Article 2530, Chapter 1, Title 47, Revised Statutes, making further provision for the safekeeping of securities deposited with the State Depository Board as collateral to secure deposits made by said Board, in State and/or reserve depositories, and authorizing said Board to rent safety deposit boxes in some bank or banks located in the City of Austin, and declaring an emergency."

The Senate has adopted

S. C. R. No. 24, To provide for the greater use of granite in Federal construction.

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 341, to the Committee on Banks and Banking.

ADJOURNMENT

On motion of Mr. Moffett, the House, at 12:25 o'clock p. m., adjourned until 9:30 o'clock a. m., Thursday, March 2.

APPENDIX**STANDING COMMITTEE REPORTS**

The following committees have filed favorable reports on bills and resolution, as follows:

Criminal Jurisprudence: House Bills Nos. 458, 542, and 588.

Education: House Bills Nos. 554, 584, and 632.

Highways and Motor Traffic: House Concurrent Resolution No. 21; and House Bill No. 524.

Judiciary: House Bill No. 710.

Judicial Districts: House Bill No. 411.

Labor: House Bills Nos. 248, 486, and 519.

Live Stock and Stock Raising: House Bill No. 633.

Municipal and Private Corporations: House Bills Nos. 204, 414, and 447.

Public Lands and Buildings: House Bill No. 484.

The Committee on Agriculture filed and adverse report on House Bill No. 641.

The Committee on Criminal Jurisprudence filed an adverse report, with a minority favorable report, on House Bill No. 101.

The Committee on Live Stock and Stock Raising filed an adverse report on House Bill No. 639.

TWENTY-NINTH DAY

(Thursday, March 2, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Chastain.
Adamson.	Clayton.
Aikin.	Colson.
Alexander.	Coombes.
Alsup.	Cowley.
Anderson	Crossley.
of Bexar.	Daniel.
Anderson	Davidson.
of Johnson.	Dean.
Baker.	Devall.
Barrett.	Dunlap.
Barron.	Dunagan.
Beck.	Dwyer.
Bedford.	Engelhard.
Bourne.	Fain.
Burns.	Few.
Butler.	Fisher.
Calvert.	Ford.
Camp.	Fuchs.
Canon.	Glass.
Cathey.	Golson.

Good.	Moffett.
Goodman.	Moore.
Graves.	Morrison.
Greathouse.	Morse.
Griffith.	Nicholson.
Haag.	Palmer.
Hankamer.	Parkhouse.
Harman.	Patterson.
Harris.	Pavlica.
Harrison.	Pope.
Hartzog.	Puryear.
Head.	Ramsey.
Hester.	Ratliff.
Hicks.	Ray.
Hill of Brazoria.	Reader.
Hill of Webb.	Reed of Bowie.
Hodges.	Reed of Dallas.
Holekamp.	Renfro.
Holland.	Riddle.
Holloway.	Roberts.
Hoskins.	Rogers of Hunt.
Huddleston.	Rogers
Hughes.	of Ochiltree.
Hunt.	Rollins.
Hyder.	Ross.
James.	Russell.
Jefferson.	Savage.
Johnson	Scarborough.
of Anderson.	Scott.
Jones of Atascosa.	Shannon.
Jones of Runnels.	Shults.
Jones of Shelby.	Smith.
Kayton.	Stanfield.
Kyle of Hays.	Steward.
Kyle of Palo Pinto.	Stinson.
Laird.	Stovall.
Latham.	Sullivant.
Lemens.	Tarwater.
Leonard.	Tennyson.
Lindsey.	Thomas.
Long.	Tillery.
Lotief.	Townsend.
Magee.	Turlington.
Mackay.	Van Zandt.
Mathis.	Vaughan.
McClain.	Wagstaff.
McCullough.	Walker.
McDougald.	Wells.
McKee.	Winningham.
Merritt.	Wood.
Metcalfe.	Young.
Mitcham.	

Absent

Duvall.	Weinert.
McGregor.	West.

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Caven for today and the balance of the week, on motion of Mr. Beck.

Mr. Munson for today, on motion of Mr. Fain.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Magee, Mr. Hunt, Mr. Cathey, Mr. Alsup, Mr. Parkhouse, and Mr. Adamson:

H. B. No. 765, A bill to be entitled "An Act to provide for the calling of an election, to be held on the first Monday of November, 1933, at which election, delegates are to be selected to convention, to be held in Austin, Texas, in the House of Representatives, on the first Monday in December, 1933, after said date of election, to pass on an amendment to the Constitution of the United States, which has been proposed by the Congress of the United States, for ratification by conventions in the several States; prescribing the duties of the elective officers of the State with reference to calling such election, and selecting of delegates; prescribing who shall be qualified to vote at such elections and conventions; prescribing the manner, qualifications, and method by which delegates shall be elected to attend such convention; providing form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election and convention; appropriating the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, to defray the expenses of delegates, and incidentals; etc.; and declaring an emergency."

Referred to Committee on Privileges, Suffrage, and Elections.

By Mr. Walker:

H. B. No. 766, A bill to be entitled "An Act making it a penal offense for any person, agent, or employe of

any person, firm, or corporation to break, remove, or destroy any metal seal, or any other seal, regardless of its kind or character, which has been placed upon any part of any oil and or gas well, pipe line, loading rack, storage tank, refinery, or any connections thereto, by the Railroad Commission of Texas, through its duly authorized agents and employes, shall be guilty of a criminal offense, and upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), or by confinement in the county jail of not less than thirty days, nor more than six months, or by both such fine and imprisonment; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Walker:

H. B. No. 767, A bill to be entitled "An Act whereby any person, or any agent, employe, or representative of any person, firm, or corporation operating any oil well, or wells, in any oil field, or pool, in the State of Texas, where the production of oil from the same is prorated or apportioned among the producing wells therein, or is adjusted to prevent waste in accordance with any rule, regulation, or order of the Railroad Commission of Texas, entered pursuant to the provisions of Title 102, or any law of Texas, who shall knowingly permit any well, or wells, to produce more oil than is authorized by such rule, regulation, or order by said Commission; or who shall wilfully deliver such oil from such well, or wells, to any purchaser without first having passed the same through a gauge tank, or meter, and measuring the same, and making a record thereof; or who shall wilfully conceal the delivery of such oil by a by-pass, or other means, method, or device to prevent the measurement of same, and defeat the purposes of such order regulating the production of such well, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by confinement in the State penitentiary for not less than one year nor more than five years, etc.; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Walker:

H. B. No. 768, A bill to be entitled "An Act making it a penal offense for any person, agent, or employe of any firm or corporation to permit natural gas produced from any oil well to escape into the air, where there is a sufficient quantity of such gas so escaping to be burned, without burning the same, or properly taking care of it so as to prevent its escape into the air, shall be guilty of a criminal offense, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by confinement in the county jail for not less than thirty days nor more than six months, etc.; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Walker:

H. B. No. 769, A bill to be entitled "An Act whereby any person, or any agent, employe, or representative of any firm, corporation, or joint stock association, that is required by the laws of the State of Texas, or under the rules and regulations of the Railroad Commission of the State of Texas, made in pursuance of the laws of said State, to keep records and make reports under such laws, or rules, and regulations passed by the Railroad Commission in pursuance thereof, etc.; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Walker:

H. B. No. 770, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to conservation of oil and gas, and the regulation of production, storage, transportation, and refining thereof; amending Section 3, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, and changing the provisions of said Section so that in addition to any penalty that may be imposed by the Commission for contempt for the violation of its rules, any person, firm, corporation, joint stock association, or any officer, agent, or employe thereof, violating any provision of this Act, or Title 102, of the Revised Civil Statutes of 1925,

or of any of the rules, regulations, or orders of said Commission made in pursuance thereof, shall be subject to a penalty of not more than twenty-five hundred dollars (\$2,500) for each and every day of such violation, and in lieu thereof, in case of violation of any proration order, a penalty not less than the value of the oil produced in excess of the Commission's order, or more than twice the value thereof, etc.; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Wagstaff, Mr. Townsend, and Mr. Haag:

H. B. No. 771, A bill to be entitled "An Act providing for the creation of the Texas Canyon State Park; withdrawing certain public school lands in Brewster and Presidio Counties, Texas, from sale; providing for conveyance of said land to the State of Texas for park purposes; valuing same, and making an appropriation out of the General Revenue for payment of the Permanent School Fund of Texas for consideration of such transfer; providing that said Texas Canyon State Park shall be under supervision and control of said Texas Park Board, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Nicholson, Mr. McDougald, and Mr. McKee:

H. B. No. 772, A bill to be entitled "An Act amending Chapter 333, of the Acts of the Regular Session of the Forty-second Legislature, validating all proceedings and acts of the commissioners courts of such counties in elections held for the purpose of authorizing bonds to erect an office building and/or jail; validating all bonds, voted, authorized and/or issued, validating all tax levies made in behalf of such bond issuances, and declaring emergency."

Referred to Committee on Counties.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Bedford, Mr. Nicholson, Mr. McDougald, Mr. McKee, Mr. Roberts, Mr. Mackay, Mr. Hill of Brazoria, Mr. Leonard, Mr. Hartzog, Mr. West, Mr. Munson, Mr. Dunlap, and Mr. Pope:

H. J. R. No. 32, Proposing an amendment to Section 1-a, Article VIII, of the Constitution of the State of Texas, exempting three thousand dollars (\$3,000) of the assessed value of all residence homesteads, as now defined by law, from all taxation for all State purposes, excepting, until the expiration of such remission period, or the need of such remission, that portion of the State ad valorem taxes remitted within certain counties and political subdivisions now receiving a remission of such taxes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamation, and making an appropriation to defray the expenses of the proclamation, publication, and election.

Referred to Committee on Constitutional Amendments.

Mr. Mathis raised a point of order on further introduction of bills at this time, on the ground that, under the Rules of the House, the time for the introduction of bills, during the current session of the Legislature, has expired.

The Speaker overruled the point of order, stating his reasons as follows:

Question—Does the forty-five-day period for the introduction of bills mean forty-five calendar days, or forty-five legislative days?

Section 5, of Article III, of Texas Constitution, as amended in 1930, provides as follows:

"Time of Meeting. Method of Procedure. The Legislature shall meet every two years at such time as may be provided by law, and at other times when convened by the Governor. When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess ap-

pointees of the Governor, and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, that during the succeeding thirty days of the Regular Session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending, and such emergency matters as may be submitted by the Governor; provided further, that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its Membership."

Acting under the authority conferred by the latter clause of the foregoing Section, the House of the Forty-third Legislature has adopted a Rule, providing that bills may be introduced during the first forty-five days of the session, and said Rule is as follows:

"Bills and resolutions introduced during the first forty-five (45) days of the regular session may be considered by the committees and in the House, and disposed of at any time during the session; provided, however, that after the first forty-five (45) days of a regular session, no bill shall be introduced in the House except local bills, emergency appropriations, and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative record vote of four-fifths of those present and voting."

It now becomes important to determine what is meant by "days." Shall the word, as used, *supra*, be construed as calendar or consecutive days, or was it originally intended to mean legislative or working days?

Section 32, of Article III, of the Constitution, provides:

"No bill shall have the force of a law, until it has been read on three several days in each House," etc. Under this Section it appears that both Houses have always operated by construing this language to mean three legislative days. If the language of Section 32 means legislative days, there seems no reason for

any distinction to be made in construing the language of Section 5. The days there used would mean legislative days, and would mean that the Regular Session of the Legislature is limited to 120 legislative days. This reasoning is fortified by reference to Section 24, of Article III, which provides:

"Mileage and Per Diem. Members of the Legislature shall receive from the public Treasury a per diem of not exceeding \$10 per day for the first 120 days of each session, and after that not exceeding \$5 per day for the remainder of the session."

If the language used in Section 5, limiting the session of the Legislature to 120 days, means calendar or consecutive days, then the provision for the payment of \$5 per day for the remainder of the session after the first 120 days, as provided in Section 24, would be entirely meaningless, and wholly superfluous.

If Section 5 be construed to have reference to "consecutive" days, then the session would be limited to 120 consecutive days, and there is no authority to act upon legislation after the expiration of the 120-day period, and there is no provision in said Section, or elsewhere, for extending the term of a regular session, and the proviso for the \$5 per diem is rendered nugatory. This, evidently, is an unsound construction.

Sections 5 and 24, construed together, however, appear to be in harmony. Section 5, in effect, provides that bills shall be introduced during the first thirty "legislative" days, and the committees shall hold hearings during the second thirty "legislative" days, and the Legislature, during the following sixty "legislative" days, shall act upon such bills and resolutions as may be then pending. This clearly limits the session to 120 legislative days. Section 24 deals with the compensation of the Members on a per diem basis, meaning, of course, a daily wage. The daily pay shall not exceed \$10 per day for the first 120 "consecutive" days of each session, and after that not exceeding \$5 per day for the remainder of the session. It is conceivable that 120 legislative days might consume 150 consecutive days, or 180 consecutive days, or even 200 consecutive days; in such an event the compensation, or the "per diem" of the Mem-

bers, is limited by the provisions of Section 24.

The meaning of the language used in our Constitution, with reference to the days of the legislative session, appears not to have been construed by our Supreme Court. It may be there is no way of presenting the question to our Supreme Court. This Court appears to have taken the view that it is powerless to defend the Constitution when it involves a question of procedure in the Legislature. In 49 S. W. (2nd), page 693, *Jackson vs. Walker*, it was decided that the court will not look behind the enrolled bill to determine whether constitutional guaranties have been observed in its passage. Consequently, Section 32, of the Constitution, providing for bills to be read on three several days, could be entirely ignored if the Legislature wanted to do so. We are not inclined to ignore any provision of the Constitution and want to follow both the law and the spirit thereof.

In considering the question of what is intended by the word "days," as used in Section 5, *supra*, this thought occurs; the proviso that the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending, evidently was intended to be for the benefit of the public. This deals with the second period and is the only part of the regular session in which the public is given the right to appear and be heard upon pending legislation. It is apparent that committees do not sit on Sundays, and rarely on holidays; and it is equally well known that on many other days, particularly Saturdays, the House and the committees are not sitting.

It must be borne in mind that in the performance of legislative functions it is often imperative, and always advisable, for the Legislature to make temporary adjournments to enable its Members to perform effectively their actual duties while serving on the various committees. The effect of the provision of Section 5, *supra*, for public hearings, requires such service, and the task of holding public hearings, preparing reports, drafting bills and amendments, seeking information for legislative enactments, etc., is the most arduous work required of a Legislator. The temporary adjournments of the House for the purposes enumerated do not affect the continuity of the session of the Legislature.

If the language of Section 5 be construed to mean consecutive days, then the authority conferred by the same Section, in allowing each House to otherwise determine its order of business by an affirmative vote of four-fifths of its Membership, could easily be converted so that the public could receive no hearing of any kind, by the simple expedient of recessing from day to day during said second period of thirty days. On the other hand, if the construction of legislative days be adopted, then the public would have thirty legislative days in which to be heard, and, regardless of whether the House recessed, or of any intervening Sundays or holidays, the public would still have thirty legislative days in which to be heard.

Looking to authorities other than our own, we find the rule stated in 59 C. J., page 534, as follows:

"In computing length of session, actual working legislative days, exclusive of Sundays and days on which the Legislature did not sit, are to be counted."

This text is supported by the citation of several authorities. In *Moog vs. Randolph*, 77 Alabama Reports, page 597, the Supreme Court of Alabama says:

(On page 607): "I fully concur with the Chief Justice in the views expressed by him as to the proper construction of Section 5, of Article IV, of the present Constitution, fixing the time during which the General Assembly is permitted to remain in session. I am satisfied that 'fifty days' means fifty legislative working days, exclusive of the Sundays, and other days upon which the Senate and House concur in refusing to sit by joint resolutions of adjournment. This question has been repeatedly considered by the judiciary committees of the Senate and House of Representatives, at successive sessions of the General Assembly, since the adoption of the Constitution; and their reports, concurring in this view, have in each instance been adopted by those Bodies. Even if we regarded the question a doubtful one, we would hesitate to depart from this settled legislative construction of the fundamental law, especially in view of the serious consequences which would necessarily flow from it. The right to adjourn *ad libitum*, upon certain week days,

and the right to draw pay for such days, are questions not necessarily dependent, the one on the other. The power to adjourn may exist, without the right to draw pay; and they are not convertible or correlative powers, as has been argued before us at the bar. This suggestion is not intended to cause any doubt upon previous decisions of this court, holding that the members of the General Assembly are entitled to draw their per diem pay on Sundays—a view in which we all fully concur."

The same court again considered the question in *Ex parte Cowert*, 92 Alabama, page 94, as follows:

"It has more than once been determined by this court, and we have no disposition to depart from our rulings on that subject, that 'days,' within the limitation upon the sessions of the General Assembly, imposed by Section 5, Article IV, of the Constitution, means working days."

The question is exhaustively treated in Vol. 3, Arizona Reports, page 143, in the case of *Cheyney vs. Smith*. The facts in that case show that the Legislature had a regular session of eighty consecutive days, but only forty-eight legislative days. The Legislature of that State was operating under an Act of Congress, which provided that the sessions of the legislative assemblies of the several territories of the United States shall be limited to sixty days' duration. The question, therefore, of the length of the sessions in terms of days was squarely presented to the court. If the reference to days in the Act of Congress meant consecutive days, then the Arizona Legislature had exceeded the term of its duration by twenty days, and the legislation enacted in the excess period was null and void. On the other hand, if the language meant legislative or working days, then the Legislature had not exceeded its constitutional powers because it had been in session for only forty-eight legislative days. It was decided definitely in that case that the language meant legislative or working days. In this case, however, there is a dissenting opinion by one of the judges.

In *White vs. Hinton*, 30 Pacific, 953, the Supreme Court of Wyoming did not specifically decide the question, but did use the following language:

"A calendar day, even, is not necessarily a legislative day. A fortiori a fraction of a calendar day is not necessarily, or even presumptively, a legislative day. By a long established practice of Congress, a calendar day is not recognized as limiting a session of any legislative day. * * * Whether the limitation of forty days means forty consecutive days, or forty days of actual legislative session, excluding Sundays and other days when the Legislature does not sit, is a question upon which there seems to be some conflict of judicial opinion. Some of the best-considered cases hold that the limitation allows forty full days for actual legislative work."

The Supreme Court of Connecticut, in 58 Atlantic Reporter, page 759, in construing a proviso in their Constitution with reference to the three days in which the Governor shall return a bill to the House in which it originated, decided that the three days mentioned did not refer to calendar days, but shall be construed to mean legislative or working days.

The Alabama Supreme Court maintains its consistency in construing the language of their Constitution with reference to days, in 57 Southern Reporter, in *State vs. Joseph*, page 942, by holding that "days," as used in the Constitution, means legislative days.

In *Farwell vs. Matheis*, 48 Federal, 363, the United States Circuit Court was construing certain provisions in the Minnesota Constitution, some of which are very similar to ours. The Court said:

"The last clause of Section 11, Article IV, of the Constitution of the State of Minnesota, declares that 'the Governor may approve, sign, and file in the office of the Secretary of State, within three days after the adjournment of the Legislature, any Act passed during the last three days of the session, and the same shall become a law.' This Act did become a law unless Sunday is counted as one of the three days of the session, within the meaning of this provision of Section 11, Article IV.

"The correct construction of this clause depends upon the definition of the word 'session' as therein used. The prime definition of this word, when applied to a legislative body, is the actual sitting of the Members of such body for the transaction of busi-

ness. It also may be used to denote the term during which the Legislature meet daily for business, and also the space of time between the first meeting and the adjournment. The context affords the light for determining the meaning of the word 'session,' when used in the Constitution. In Section 19, Article IV, the meaning of the word 'session' is manifest: 'Each House shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.' 'Session' here means the actual assembly of the Members for business. Section 1, Article IV, fixes the limit of the session of the Legislature. The context shows that the word 'session' is here used to denote the space of time between the meeting and the adjournment of the Legislature. In Section 11, Article IV, which relates to the passage of bills by the two Houses of the Legislature, and the formalities necessary to enact laws, the context determines the meaning of the word 'session' to be the actual sitting of the Members of the Legislature. Such construction of the Constitution is in accordance with its true spirit and intent to carry into effect the will of an enlightened people by whom it was adopted. Sunday is 'non dies' for work, even in a Legislature; and, if business is ever transacted on Sunday, no record of it is kept as being performed on that day. The 'last three days of the session,' in Section 11, means working days, when the Legislature is in actual session for the transaction of business. The Journals of the two Houses show this. It appears from them that Saturday, April 20, 1889, when Chapter 30 passed the Senate, was the seventy-eighth day of the session, and that the Legislature adjourned on Tuesday, April 23, 1889, the eightieth day of the session, Sunday not being a day of the session. In my opinion, Chapter 30 was duly passed and approved by the Governor in time, and became a law."

The latest case coming to our attention is from the Supreme Court of Oklahoma. In *Shaw vs. Carter*, 297 Pacific, 273, decided on March 26, 1931, that court held the word "days," as used in the Oklahoma Constitution, has reference to legislative or working days. The opinion goes farther than I am willing to go when it construes the proviso for decreasing com-

pensation to the Members commences at the expiration of the sixty legislative days. In this connection the court said:

"It must be borne in mind that in the performance of legislative functions it is often advisable for the Legislature to make temporary adjournments to enable its Members to perform effectively their actual duties while serving on committees, preparing reports, drafting bills and amendments, seeking information for legislative enactments, and that such adjournments have no effect upon the continuity of the session of the Legislature.

"In interpreting the first clause of the aforesaid constitutional provision it is to be observed that this whole section must be considered as a whole and the clauses thereof construed in the light of the provisions therein, and that the words used therein must be given a fair and reasonable construction. The expression 'during the session of the Legislature' means an entirety, during all of the time that there is a sitting together of the legislative body for the transaction of business; the time during which the Legislature transacts its business; the space of time between the first meeting and final adjournment, or the period from its assembling to its adjournment. When this first clause of aforesaid section of the Constitution is read in this light, its meaning becomes apparent. In other words, 'Members of the Legislature shall receive \$6 per diem for their services during the session of the Legislature,' to wit: the time during which it is continuously and actually engaged in business, during which it sits for the transaction of business, during the time between its first meeting and its final adjournment, limited, however, by the proviso, to wit: 'Provided, that Members of the Legislature shall receive only \$2 per diem for their services after sixty days of such session have elapsed.' It is then made plain and clear that the \$6 per diem is not to be based on the 'days of the session,' but 'during the session of the Legislature,' limited to the proviso, and that the time when the \$2 per diem is to commence is not founded or predicated on the session as an entirety, but upon the elapsing of 'sixty days of such session.' As observed, a day of such session is to be construed

as a day during which the Legislature was convened, actually engaged in business, sitting for the transaction of business. Such is the meaning of a 'day of such session,' and 'after sixty days of such session have elapsed,' that is, have passed away, then, the Members thereof shall receive only \$2 per diem for their services. We conclude that 'after sixty days of such session have elapsed,' that is, sixty legislative working days, wherein there was an actual assemblage of the Legislature for business, and wherein there was an actual sitting of the Members of such body for the transaction of business, then the payment of \$2 per diem commences. This appears the plain obvious meaning of this Section."

From the reasoning advanced in the foregoing authorities, when applied to the language used in Section 5, of our Constitution, it is evident that only one conclusion could be consistently reached. The word "days," as therein used, means legislative days, and the House Rule, relating to the forty-five-day period, must of necessity fall into the same category. It must be borne in mind, Section 5 was amended in 1930, and previous to the adoption of said amendment it had for many years contained only this simple language: "the Legislature shall meet every two years at such time as may be provided by law, and at other times when convened by the Governor." No language therein referred to a session of the Legislature or to the days of the session. There was no limitation on length of the Regular Session of the Legislature. When the amendment was adopted in 1930, the evident intention of the language used is to limit the length of the regular session and to divide the same into three periods for three distinct purposes. The Legislature was authorized in the last clause of Section 5 to otherwise determine its order of business by an affirmative vote of four-fifths of its Membership. The authority, however, to otherwise determine the order of business conveys no power to extend the length of the session or to change the definition of the word "days" so as to defeat any of the purposes of the respective periods into which the session was divided.

I am convinced of the necessity of adopting some construction which will be consistent and harmonious. If the

language, "days," as used in Section 5, does not mean legislative days, then there is no consistency in holding that the language of Section 32 means legislative days. The consistent and harmonious construction of Section 5 is obviously as follows:

First: There is a period of thirty legislative days in which the Members of the House have certain fixed rights which can be exercised within that period without restriction, such as the introduction of bills, resolutions, etc.

Second: There is a period of thirty legislative days in which the public has certain fixed rights to appear before the various committees, etc.

Third: A period of sixty legislative days in which it is mandatory for the Legislature to act upon such bills and resolutions as may be then pending, etc.

Section 24 is in the nature of a limitation on the length of the session, authorized by Section 5. Section 24, prior to the amendment of 1930, provided for compensation to the Members. The amendment specifically uses the words "per diem" in fixing the pay of the Members. There must have been some reason for the change of language, and its obvious effect is perfectly clear that if the Members prolong the regular session of 120 legislative days beyond 120 calendar days, then the per diem of \$10 per day ceases when they have drawn the per diem 120 times, and thereafter the per diem is \$5 per day, regardless of how many days are needed to complete the 120 legislative day session, as authorized by Section 5. The only precedent in this connection is the Forty-second Legislature, which is the only one convened subsequent to the adoption of the amendment to Sections 5 and 24, in 1930. This Legislature was in session fifty-eight legislative days, which consumed 131 calendar days. The Members drew a per diem of \$10 for the first 120 calendar days and \$5 per diem for the succeeding eleven days. The distinguishing feature of the amendment to Section 24 is the arrangement of compensation to the Members on the "per diem" basis.

The conclusion is irresistible that the forty-five-day period, provided for by the present House Rule, means forty-five legislative days. No other

conclusion seems tenable, and until the House restricts its own prerogatives by the insertion of the word "calendar" in front of the word "days," wherever that occurs in the Rules with reference to procedure, it will be the duty of the Speaker of the House to hold that the word "days" means legislative days.

Respectfully submitted,

STEVENSON, Speaker.

BILL ORDERED PRINTED

Mr. Anderson of Bexar moved that House Bill No. 368, reported adversely, with a minority favorable report, be printed.

The motion prevailed.

BILLS ORDERED NOT PRINTED

On motion of Mr. McDougald, House Bills Nos. 596 and 664 were ordered not printed.

On motion of Mr. Chastain, House Bill No. 484 was ordered not printed.

SPECIAL ORDER SET

On motion of Mr. Harman, House Bill No. 246 was set as a special order for 10 o'clock a. m., next Tuesday.

BILL RE-REFERRED

On motion of Mr. Mathis, House Bill No. 25 was withdrawn from the Committee on State Affairs, and referred to the Committee on Labor.

RELATIVE TO THE PURCHASE OF CRUDE OIL

Mr. Walker offered the following resolution:

Whereas, The independent oil producers throughout the State and Nation are facing ruin and bankruptcy, due to the present ruinous low prices for crude oil, which threatens the life of the industry, and

Whereas, Our State is largely dependent for its needed revenue to balance its budget from said industry, and

Whereas, The present prices of crude oil throughout the Mid-Continent Field is far below the actual cost of production; therefore, be it

Resolved by the House of Representatives of the Texas Legislature, That we respectfully urge all pur-

chasers of crude oil throughout the United States to come to the relief of the State, and raise the price of crude oil to such price that the industry may survive.

WALKER,
BURNS.

The resolution was read second time, and was adopted.

NAMING ADDITIONAL MASCOTS

Mr. Kayton offered the following resolution:

Resolved by the House of Representatives, That Halmond K. Stanfield, young son of our Member, H. K. Stanfield, and Rudolph Cecil Lotief, young son of our Member, Cecil Lotief, be made mascots of the House of the Forty-third Legislature.

The resolution was read second time, and was adopted.

TO URGE THE USE OF GRANITE IN FEDERAL CONSTRUCTION WORK

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 24, To provide for the greater use of granite in Federal construction.

Whereas, Texas is one of the greatest granite-producing States of the Union, and with a substantial number of our people dependent on this industry for employment; and

Whereas, Granite is generally and properly recognized as the most suitable material to insure the durability, dignity, and beauty of permanent public buildings; and

Whereas, It is apparent from the general use of Indiana limestone in recent Federal construction that it has been shown undue favor; and

Whereas, It is desirable that the benefits of Federal construction be distributed among the several States, and not, to any substantial degree, confined to any one State by the specification and purchase of a particular kind of stone such as Indiana limestone; therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That our United States Senators and Congressmen from the

State of Texas be, and they are hereby, respectfully urged to initiate and support such measures as will, in their opinion, secure proper consideration for the use of granite in the construction of Federal buildings.

The resolution was read second time.

On motion of Mr. Coombes, the resolution was referred to the Committee on Federal Relations.

TO PROVIDE FOR THE SETTLEMENT OF CERTAIN DAMAGES DONE BY THE HIGHWAY DEPARTMENT

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 27, To provide for the settlement of certain damages done by the Highway Department;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Greathouse offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 27, by adding at the end of the resolving clause, the following: "That if any suit be brought by authority of this resolution, that the venue thereof is hereby fixed and lodged in Travis County, Texas."

The amendment was adopted.

Mr. Coombes raised a point of order on further consideration of the resolution, at this time, on the ground that the resolution has not been printed, as provided for by the Rules of the House.

The Speaker sustained the point of order.

On motion of Mrs. Hughes, the House Rule, which provides that the resolution be printed, was suspended.

The resolution was then adopted.

RELATIVE TO CERTAIN EQUIPMENT FOR THE HIGHWAY PATROL

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 21, Relative to certain equipment for the Highway Patrol;

The resolution having heretofore been read second time, and referred to the Committee on Highways and Motor Traffic;

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

Mr. Parkhouse moved to table the resolution, and the motion to table was lost.

Question then recurring on the resolution, it was adopted.

SENATE BILL NO. 82 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 82, A bill to be entitled "An Act amending Article 348, of the Code of Criminal Procedure, relating to summoning a grand jury; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 82 ON THIRD READING

Mr. Walker moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101

Adamson.	Dunlap.
Aikin.	Dunagan.
Alexander.	Dwyer.
Alsup.	Fain.
Anderson	Few.
of Bexar.	Fisher.
Anderson	Ford.
of Johnson.	Fuchs.
Baker.	Glass.
Barrett.	Golson.
Barron.	Good.
Bourne.	Greathouse.
Burns.	Haag.
Butler.	Hankamer.
Calvert.	Harman.
Canon.	Harris.
Cathey.	Hartzog.
Chastain.	Head.
Colson.	Hicks.
Coombes.	Hill of Brazoria.
Cowley.	Hill of Webb.
Crossley.	Hodges.
Daniel.	Holekamp.
Dean.	Hoskins.
Devall.	Hughes.

Hunt.	Riddle.
Hyder.	Roberts.
James.	Rogers of Hunt.
Jefferson.	Rogers
Johnson	of Ochiltree.
of Anderson.	Ross.
Jones of Atascosa.	Russell.
Jones of Runnels.	Savage.
Jones of Shelby.	Scarborough.
Kyle of Hays.	Shults.
Kyle of Palo Pinto.	Smith.
Latham.	Steward.
Lindsey.	Stinson.
Lotief.	Stovall.
Magee.	Sullivant.
McCullough.	Tarwater.
Mitcham.	Tennyson.
Moffett.	Thomas.
Morrison.	Townsend.
Morse.	Turlington.
Nicholson.	Van Zandt.
Parkhouse.	Vaughan.
Pavlica.	Wagstaff.
Puryear.	Walker.
Ratliff.	Winningham.
Reader.	Wood.
Reed of Bowie.	Young.
Renfro.	

Nays—2

Davidson.	Rollins.
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Absent

Beck.	McClain.
Bedford.	McDougald.
Camp.	McGregor.
Clayton.	McKee.
Duvall.	Merritt.
Engelhard.	Metcalfe.
Goodman.	Moore.
Graves.	Palmer.
Griffith.	Patterson.
Harrison.	Pope.
Hester.	Ramsey.
Holland.	Ray.
Holloway.	Reed of Dallas.
Huddleston.	Scott.
Kayton.	Shannon.
Laird.	Stanfield.
Lemens.	Tillery.
Leonard.	Weinert.
Long.	Wells.
Mackay.	West.
Mathis.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

The Speaker then laid Senate Bill No. 82 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—98

Adamson.	Kyle of Palo Pinto.
Aikin.	Laird.
Alexander.	Latham.
Alsup.	Lindsey.
Anderson	Lotief.
of Bexar.	Magee.
Anderson	Mackay.
of Johnson.	Mathis.
Baker.	McCullough.
Barron.	Merritt.
Bourne.	Mitcham.
Burns.	Moffett.
Butler.	Moore.
Calvert.	Morrison.
Camp.	Morse.
Canon.	Nicholson.
Chastain.	Parkhouse.
Colson.	Pavlica.
Coombes.	Pope.
Cowley.	Puryear.
Crossley.	Ratliff.
Daniel.	Ray.
Davidson.	Reader.
Dean.	Reed of Bowie.
Devall.	Reed of Dallas.
Dunagan.	Renfro.
Fain.	Riddle.
Few.	Roberts.
Fisher.	Rogers
Ford.	of Ochiltree.
Fuchs.	Rollins.
Glass.	Ross.
Golson.	Savage.
Greathouse.	Scarborough.
Haag.	Scott.
Hankamer.	Shults.
Harris.	Stanfield.
Hester.	Steward.
Hodges.	Stinson.
Holekamp.	Stovall.
Huddleston.	Sullivant.
Hughes.	Tarwater.
Hunt.	Tennyson.
Hyder.	Thomas.
Jefferson.	Townsend.
Johnson	Turlington.
of Anderson.	Van Zandt.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kyle of Hays.	Young.

Nays—8

Cathey.	James.
Goodman.	McDougald.
Head.	Russell.
Hicks.	Wood.

Absent

Barrett.	Duvall.
Beck.	Dwyer.
Bedford.	Engelhard.
Clayton.	Good.
Dunlap.	Graves.

Griffith.	McGregor.
Harman.	McKee.
Harrison.	Metcalfe.
Hartzog.	Palmer.
Hill of Brazoria.	Patterson.
Hill of Webb.	Ramsey.
Holland.	Rogers of Hunt.
Holloway.	Shannon.
Hoskins.	Smith.
Kayton.	Tillery.
Lemens.	Weinert.
Leonard.	Wells.
Long.	West.
McClain.	Winningham.

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

SENATE BILL NO. 146 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 146, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by general or special law, or county boards of trustees, validating the acts of said county boards of trustees and boards of such districts; validating all proceedings and acts of said board of trustees, heretofore taken by such boards of trustees; validating all bonds, voted, authorized, and/or sold, and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; making certain exceptions; and declaring an emergency."

The bill was read second time.

Mr. Stanfield offered the following amendment to the bill:

Amend Senate Bill No. 146, page 2, by striking out the last sentence in Section 1, beginning in line 31, and inserting in lieu thereof the following:

"This Act shall not apply to any district, the organization, creation, re-arranging, or changing of which is now involved in litigation, nor shall this Act apply to, or affect, any litigation now pending which involves a

change in the boundary line between two districts, or which involves territory sought to be detached from one district and attached to another district."

The amendment was adopted.

On motion of Mr. Laird, by unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 146 was then passed to third reading.

SENATE BILL NO. 146 ON THIRD READING

Mr. Stanfield moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Hankamer.
Aikin.	Harman.
Alexander.	Harris.
Alsup.	Head.
Anderson	Hester.
of Bexar.	Hicks.
Anderson	Hill of Brazoria.
of Johnson.	Hill of Webb.
Baker.	Hodges.
Barron.	Holekamp.
Bedford.	Holloway.
Bourne.	Hoskins.
Burns.	Huddleston.
Butler.	Hughes.
Calvert.	Hunt.
Camp.	Hyder.
Canon.	James.
Cathey.	Jefferson.
Chastain.	Jones of Runnels.
Cowley.	Jones of Shelby.
Crossley.	Kyle of Hays.
Davidson.	Kyle of Palo Pinto.
Dean.	Laird.
Devall.	Latham.
Dunagan.	Lindsey.
Fain.	Lotief.
Few.	Magee.
Fisher.	Mackay.
Ford.	Mathis.
Fuchs.	McCullough.
Glass.	McKee.
Golson.	Merritt.
Good.	Metcalfe.
Goodman.	Moffett.
Greathouse.	Moore.
Griffith.	Morrison.
Haag.	Morse.

Nicholson.	Steward.
Pavlica.	Stinson.
Pope.	Stovall.
Ratliff.	Sullivant.
Ray.	Tarwater.
Reed of Bowie.	Tennyson.
Reed of Dallas.	Thomas.
Renfro.	Tillery.
Roberts.	Turlington.
Rogers of Hunt.	Van Zandt.
Rollins.	Vaughan.
Ross.	Wagstaff.
Scarborough.	Walker.
Shults.	Wells.
Stanfield.	Wood.

Nays—8

Coombes.	Russell.
Kayton.	Savage.
McDougald.	Scott.
Puryear.	Townsend.

Absent

Barrett.	Long.
Beck.	McClain.
Clayton.	McGregor.
Colson.	Mitcham.
Daniel.	Palmer.
Dunlap.	Parkhouse.
Duvall.	Patterson.
Dwyer.	Ramsey.
Engelhard.	Reader.
Graves.	Riddle.
Harrison.	Rogers
Hartzog.	of Ochiltree.
Holland.	Shannon.
Johnson	Smith.
of Anderson.	Weinert.
Jones of Atascosa.	West.
Lemens.	Winningham.
Leonard.	Young.

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

The Speaker then laid Senate Bill No. 146 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—98

Adamson.	Burns.
Aikin.	Butler.
Alexander.	Calvert.
Alsup.	Camp.
Anderson	Canon.
of Bexar.	Cathy.
Anderson	Chastain.
of Johnson.	Colson.
Barron.	Cowley.
Bourne.	Crossley.

Davidson.	McCullough.
Dean.	McKee.
Devall.	Merritt.
Dunagan.	Metcalfe.
Fain.	Mitcham.
Few.	Moffett.
Fisher.	Morrison.
Fuchs.	Morse.
Glass.	Nicholson.
Good.	Pavlica.
Goodman.	Pope.
Greathouse.	Ramsey.
Griffith.	Ratliff.
Hankamer.	Ray.
Harris.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Renfro.
Hicks.	Roberts.
Hill of Webb.	Rogers of Hunt.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Hoskins.	Rollins.
Huddleston.	Ross.
Hughes.	Scarborough.
Hunt.	Shults.
Hyder.	Smith.
James.	Stanfield.
Jefferson.	Steward.
Johnson	Stinson.
of Anderson.	Stovall.
Jones of Runnels.	Sullivant.
Jones of Shelby.	Tarwater.
Kayton.	Thomas.
Kyle of Hays.	Tillery.
Kyle of Palo Pinto.	Turlington.
Laird.	Van Zandt.
Latham.	Vaughan.
Lindsey.	Wagstaff.
Lotief.	Walker.
Magee.	Wells.
Mackay.	Winningham.

Nays—9

Baker.	Savage.
Coombes.	Scott.
McDougald.	Townsend.
Puryear.	Wood.
Russell.	

Absent

Barrett.	Hill of Brazoria.
Beck.	Holland.
Bedford.	Holloway.
Clayton.	Jones of Atascosa.
Daniel.	Lemens.
Dunlap.	Leonard.
Duvall.	Long.
Dwyer.	Mathis.
Engelhard.	McClain.
Ford.	McGregor.
Golson.	Moore.
Graves.	Palmer.
Haag.	Parkhouse.
Harman.	Patterson.
Harrison.	Reader.
Hartzog.	Riddle.

Shannon.
Tennyson.
Weinert.

West.
Young.

Absent—Excused

Bradley.
Caven.
Jackson.

Johnson
of Dimmit.
Munson.

SENATE BILL NO. 153 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 153, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session; and declaring an emergency."

The bill was read second time.

Mr. Calvert offered the following committee amendments to the bill:

(1)

Amend Senate Bill No. 153, below the enacting clause, in Section 1 thereof, under Subdivision d, which Subdivision is under Article 2547, in said Section 1, by adding at the end of the fourth line of the fourth page of said bill, which said line is the thirty-second line of said Subdivision d, following the words: "such mortgage be fully insured in some stock fire insurance company," the following: "or a mutual fire insurance company having \$100,000 surplus in excess of all legal reserves and other liabilities."

(2)

Amend Senate Bill No. 153, below the enacting clause, in Section 1 thereof, under Subdivision d, which Subdivision is under Article 2547, in said Section 1, by adding at the end of the word "company," and before the word "approved," in line 20, on page 4, of said bill, which said line is the forty-eighth line of said Subdivision d, following the words: "any real estate so pledged be fully insured in a stock fire insurance company," the following: "or a mutual fire insurance company having \$100,000 surplus in excess of all legal reserves and other liabilities."

The amendments were severally adopted.

Senate Bill No. 153 was then passed to third reading.

SENATE BILL NO. 153 ON THIRD READING

Mr. Calvert moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 153 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Johnson
Aikin.	of Anderson.
Alsup.	Jones of Runnels.
Anderson	Jones of Shelby.
of Johnson.	Kayton.
Baker.	Kyle of Hays.
Barrett.	Kyle of Palo Pinto.
Bourne.	Laird.
Burns.	Latham.
Butler.	Leonard.
Calvert.	Lindsey.
Camp.	Lotief.
Canon.	Magee.
Cathey.	Mackay.
Chastain.	McClain.
Colson.	McCullough.
Coombes.	McDougald.
Cowley.	Metcalfe.
Crossley.	Mitcham.
Davidson.	Moffett.
Dean.	Moore.
Devall.	Morrison.
Dunagan.	Morse.
Fain.	Nicholson.
Few.	Parkhouse.
Fisher.	Pavlica.
Ford.	Pope.
Fuchs.	Ramsey.
Glass.	Ratliff.
Good.	Ray.
Goodman.	Reed of Bowie.
Graves.	Renfro.
Greathouse.	Roberts.
Griffith.	Rogers of Hunt.
Haag.	Ross.
Hankamer.	Russell.
Harman.	Savage.
Harris.	Scarborough.
Harrison.	Scott.
Head.	Shults.
Hester.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Hodges.	Stovall.
Holland.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Thomas.
Hunt.	Tillery.
Hyder.	Townsend.
James.	Turlington.
Jefferson.	Van Zandt.

Vaughan. Winningham.
Wagstaff. Wood.
Wells.

Nays—1

Puryear.

Present—Not Voting

Rollins.

Absent

Alexander.	Long.
Anderson	Mathis.
of Bexar.	McGregor.
Barron.	McKee.
Beck.	Merritt.
Bedford.	Palmer.
Clayton.	Patterson.
Daniel.	Reader.
Dunlap.	Reed of Dallas.
Duvall.	Riddle.
Dwyer.	Rogers
Engelhard.	of Ochiltree.
Golson.	Shannon.
Hartzog.	Walker.
Holekamp.	Weinert.
Holloway.	West.
Jones of Atascosa.	Young.
Lemens.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

The Speaker then laid Senate Bill No. 153 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson.	Dean.
Aikin.	Dunagan.
Alsup.	Fain.
Anderson	Few.
of Bexar.	Fisher.
Anderson	Ford.
of Johnson.	Fuchs.
Baker.	Glass.
Barrett.	Good.
Barron.	Goodman.
Bedford.	Greathouse.
Bourne.	Griffith.
Burns.	Haag.
Butler.	Hankamer.
Calvert.	Harman.
Camp.	Harris.
Canon.	Harrison.
Cathey.	Head.
Chastain.	Hester.
Colson.	Hill of Brazoria.
Coombes.	Hill of Webb.
Cowley.	Hodges.
Crossley.	Holland.
Daniel.	Huddleston.
Davidson.	Hughes.

Hunt.	Ratliff.
Hyder.	Ray.
James.	Reader.
Jefferson.	Reed of Bowie.
Johnson	Reed of Dallas.
of Anderson.	Renfro.
Jones of Runnels.	Roberts.
Jones of Shelby.	Rogers of Hunt.
Kayton.	Rollins.
Kyle of Hays.	Ross.
Kyle of Palo Pinto.	Savage.
Laird.	Scarborough.
Latham.	Shults.
Lindsey.	Smith.
Lotief.	Stanfield.
Mackay.	Steward.
McClain.	Stovall.
McCullough.	Sullivant.
McKee.	Tarwater.
Merritt.	Tennyson.
Metcalfe.	Thomas.
Mitcham.	Tillery.
Moffett.	Townsend.
Morrison.	Van Zandt.
Morse.	Wagstaff.
Nicholson.	Wells.
Parkhouse.	Winningham.
Pavlica.	Wood.
Ramsey.	

Nays—1

McDougald.

Present—Not Voting

Devall.	Puryear.
Hicks.	

Absent

Alexander.	McGregor.
Beck.	Moore.
Clayton.	Palmer.
Dunlap.	Patterson.
Duvall.	Pope.
Dwyer.	Riddle.
Engelhard.	Rogers
Golson.	of Ochiltree.
Graves.	Russell.
Hartzog.	Scott.
Holekamp.	Shannon.
Holloway.	Stinson.
Hoskins.	Turlington.
Jones of Atascosa.	Vaughan.
Lemens.	Walker.
Leonard.	Weinert.
Long.	West.
Magee.	Young.
Mathis.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

SENATE BILL NO. 184 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 184, A bill to be entitled "An Act to amend Article 1316, Chapter 1, Title 17, of the Penal Code of 1925, providing for the offense of an attempt to commit arson, and defining the same, making it unlawful, etc., and declaring an emergency."

The bill was read second time.

Mr. Walker offered the following amendments to the bill:

(1)

Amend Senate Bill No. 184 by inserting after the figures "1925," in line 36, page 1, the following: "as amended by Chapter 82, page 124, of the Acts of the Forty-second Legislature."

(2)

Amend Senate Bill No. 184 by inserting after the figures "1925," in line 27, page 1, the following: "as amended by the Forty-second Legislature."

The amendments were severally adopted.

Senate Bill No. 184 was then passed to third reading.

SENATE BILL NO. 184 ON THIRD READING

Mr. Greathouse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 184 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Cowley.
Aikin.	Crossley.
Alsup.	Daniel.
Anderson	Davidson.
of Bexar.	Dean.
Anderson	Devall.
of Johnson.	Fain.
Baker.	Few.
Barrett.	Fuchs.
Barron.	Glass.
Beck.	Good.
Bourne.	Greathouse.
Burns.	Griffith.
Butler.	Hankamer.
Calvert.	Harman.
Camp.	Harris.
Canon.	Harrison.
Chastain.	Head.
Colson.	Hester.
Coombes.	Hicks.

Hill of Brazoria.	Ratliff.
Hill of Webb.	Ray.
Hodges.	Reed of Bowie.
Huddleston.	Reed of Dallas.
Hunt.	Renfro.
Hyder.	Roberts.
Jefferson.	Rogers of Hunt.
Johnson	Rollins.
of Anderson.	Ross.
Jones of Runnels.	Russell.
Jones of Shelby.	Savage.
Kayton.	Scarborough.
Kyle of Hays.	Scott.
Kyle of Palo Pinto.	Shults.
Latham.	Smith.
Leonard.	Stanfield.
Lindsey.	Steward.
Lotief.	Stinson.
Magee.	Stovall.
Mackay.	Sullivan.
McClain.	Tarwater.
McCullough.	Thomas.
McKee.	Tillery.
Merritt.	Townsend.
Mitcham.	Turlington.
Moffett.	Van Zandt.
Moore.	Vaughan.
Morrison.	Wagstaff.
Morse.	Walker.
Parkhouse.	Wells.
Pavlica.	Winningham.
Puryear.	Wood.
Ramsey.	

Absent

Alexander.	Jones of Atascosa.
Bedford.	Laird.
Cathey.	Lemens.
Clayton.	Long.
Dunlap.	Mathis.
Dunagan.	McDougald.
Duvall.	McGregor.
Dwyer.	Metcalfe.
Engelhard.	Nicholson.
Fisher.	Palmer.
Ford.	Patterson.
Golson.	Pope.
Goodman.	Reader.
Graves.	Riddle.
Haag.	Rogers
Hartzog.	of Ochiltree.
Holekamp.	Shannon.
Holland.	Tennyson.
Holloway.	Weinert.
Hoskins.	West.
Hughes.	Young.
James.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

The Speaker then laid Senate Bill No. 184 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adamson.	Latham.
Aikin.	Leonard.
Alsup.	Lindsey.
Anderson	Lotief.
of Bexar.	Magee.
Anderson	Mackay.
of Johnson.	Mathis.
Baker.	McClain.
Barrett.	McCullough.
Barron.	McDougald.
Bourne.	McKee.
Burns.	Merritt.
Butler.	Mitcham.
Calvert.	Moore.
Camp.	Morrison.
Canon.	Morse.
Cathey.	Parkhouse.
Chastain.	Pavlica.
Clayton.	Pope.
Coombes.	Puryear.
Cowley.	Ramsey.
Crossley.	Ratliff.
Daniel.	Ray.
Davidson.	Reed of Bowie.
Dean.	Reed of Dallas.
Fain.	Renfro.
Few.	Riddle.
Fisher.	Roberts.
Ford.	Rogers of Hunt.
Fuchs.	Rollins.
Glass.	Ross.
Good.	Russell.
Greathouse.	Savage.
Griffith.	Scarborough.
Hankamer.	Shults.
Harman.	Smith.
Harris.	Stanfield.
Harrison.	Steward.
Head.	Stinson.
Hester.	Stovall.
Hicks.	Sullivant.
Hodges.	Tarwater.
Huddleston.	Tennyson.
Hunt.	Thomas.
Hyder.	Tillery.
James.	Townsend.
Jefferson.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Wells.
Kyle of Palo Pinto.	Winningham.
Laird.	Wood.

Nays—1

Scott.

Present—Not Voting

Devall.

Moffett.

Absent

Alexander.	Hoskins.
Beck.	Hughes.
Bedford.	Johnson
Colson.	of Anderson.
Dunlap.	Lemens.
Dunagan.	Long.
Duvall.	McGregor.
Dwyer.	Metcalf.
Engelhard.	Nicholson.
Golson.	Palmer.
Goodman.	Patterson.
Graves.	Reader.
Haag.	Rogers
Hartzog.	of Ochiltree.
Hill of Brazoria.	Shannon.
Hill of Webb.	Weinert.
Holekamp.	West.
Holland.	Young.
Holloway.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

HOUSE BILL NO. 145 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 145, A bill to be entitled "An Act to amend Article 7101, Chapter 4, Title 122, of the Revised Civil Statutes of Texas of 1925; amending Articles 7041, 7042, 7043, 7044, and 7045, of Chapter 1, Title 122, Revised Civil Statutes of Texas of 1925, providing for the transfer and the combining of the duties now performed in the fixing and ascertaining of the State ad valorem tax rate by the Board composed of the Governor, Comptroller, and State Treasurer, to the State Tax Board, etc., and declaring an emergency";

The bill having heretofore been read second time.

On motion of Mr. Barron, further consideration of the bill was postponed until 10 o'clock a. m., March 21, 1933.

HOUSE BILL NO. 169 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 169, A bill to be entitled "An Act making appropriations to pay the salaries of officers and em-

ployes of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years, September 1, 1933, to August 31, 1935, inclusive, etc., and declaring an emergency."

The bill was read second time.

Mr. Harman offered the committee amendment to the bill, which strikes out all below the enacting clause, and inserts in lieu thereof a new text, which was printed with the bill.

Mr. Morse moved that further consideration of the bill be postponed until 10 o'clock a. m., next Thursday.

Mr. Adamson moved to table the motion to postpone the bill.

The motion to table prevailed.

Mr. Harman offered the following amendments to the committee amendment:

(1)

Amend committee amendment to House Bill No. 169, page 3, line 21, by striking out the figures "1934," and inserting in lieu thereof, "1933."

(2)

Amend committee amendment to House Bill No. 169, page 8, line 40, by inserting between the words "fire-proofing" and "improvements" the word "and."

(3)

Amend committee amendment to House Bill No. 169, page 9, line 4, by inserting "for second year, \$25,000."

(4)

Amend committee amendment to House Bill No. 169, page 2, lines 17 and 18, by striking out the words in said lines, and inserting in lieu thereof, the following: "Teacher, \$75 per month, and supervisor, \$40 per month, for Deaf and Dumb."

(5)

Amend committee amendment to House Bill No. 169, page 15, line 40, by inserting after the word "repairs" the following: "and improvements"; and also strike out line 39.

(6)

Amend committee amendment to House Bill No. 169, page 17, by striking out all of line 28.

(7)

Amend committee amendment to House Bill No. 169, page 22, by inserting between lines 15 and 16, the following: "Truck, second year, \$600."

(8)

Amend committee amendment to House Bill No. 169, page 22, line 17, by inserting "\$100, second year."

(9)

Amend committee amendment to House Bill No. 169, page 23, line 17, by striking out, in second year, figures "\$490," and insert in lieu thereof, "\$480."

(10)

Amend committee amendment to House Bill No. 169, page 25, line 16, by striking out the word "graduate."

(11)

Amend committee amendment to House Bill No. 169, page 31, line 38, by striking out the figures for both years and inserting in lieu thereof, "\$8,400" each year.

(12)

Amend committee amendment to House Bill No. 169, page 34, line 32, by striking out in second year, the figures "\$2,530," and insert in lieu thereof, "\$2,520."

(13)

Amend committee amendment to House Bill No. 169, page 45, line 18, by striking out the following: "Texas School for the Blind," and insert in lieu thereof, the following: "Blind Asylum Permanent Funds."

HARMAN,
KAYTON.

The amendments were severally adopted.

Mr. Moore moved the previous question on the committee amendment and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—49

Anderson	Jones of Shelby.
of Bexar.	Kyle of Palo Pinto.
Anderson	Lotief.
of Johnson.	Mackay.
Bedford.	McDougald.
Burns.	Moore.
Butler.	Morse.
Chastain.	Parkhouse.
Clayton.	Patterson.
Crossley.	Pavlica.
Davidson.	Pope.
Dunagan.	Puryear.
Dwyer.	Ratliff.
Engelhard.	Ray.
Few.	Reed of Bowie.
Fisher.	Reed of Dallas.
Ford.	Rogers
Goodman.	of Ochiltree.
Greathouse.	Rollins.
Harrison.	Shults.
Head.	Stinson.
Hill of Brazoria.	Sullivant.
Holekamp.	Tillery.
Holland.	Van Zandt.
Hyder.	Wagstaff.
Jones of Runnels.	Wood.

Nays—68

Adamson.	Laird.
Aikin.	Lemens.
Alexander.	Leonard.
Alsup.	Lindsey.
Baker.	Magee.
Beck.	Mathis.
Bourne.	McClain.
Calvert.	McCullough.
Canon.	Merritt.
Cathey.	Metcalf.
Coombes.	Mitcham.
Cowley.	Moffett.
Daniel.	Morrison.
Devall.	Nicholson.
Fain.	Palmer.
Glass.	Ramsey.
Golson.	Renfro.
Graves.	Roberts.
Haag.	Rogers of Hunt.
Hankamer.	Ross.
Harman.	Savage.
Harris.	Scott.
Hartzog.	Shannon.
Hicks.	Smith.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Hoskins.	Stovall.
Huddleston.	Tarwater.
Hughes.	Tennyson.
James.	Townsend.
Jefferson.	Turlington.
Johnson	Vaughan.
of Anderson.	Walker.
Kayton.	Winningham.
Kyle of Hays.	

Absent

Barrett.	Latham.
Barron.	Long.
Camp.	McGregor.
Colson.	McKee.
Dean.	Reader.
Dunlap.	Riddle.
Duvall.	Russell.
Fuchs.	Scarborough.
Good.	Thomas.
Griffith.	Weinert.
Hester.	Wells.
Holloway.	West.
Hunt.	Young.
Jones of Atascosa.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

Mr. Good offered the following amendment to the section of the committee amendment relating to the Abilene State Hospital:

Amend committee amendment to House Bill No. 169, page 3, line 31, by striking out the figures "\$2,400," each year, and inserting in lieu thereof the figures "\$2,100."

GOOD,
COOMBES.

On motion of Mr. Wagstaff, the amendment was tabled.

Mr. Good offered the following amendment to the section of the committee amendment relating to the Austin State Hospital:

Amend committee amendment to House Bill No. 169, page 6, line 20, by striking out the figures "\$2,400," each year, and inserting in lieu thereof the figures "\$2,100."

GOOD,
COOMBES.

Mr. Kayton moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—50

Anderson	Clayton.
of Bexar.	Crossley.
Anderson	Daniel.
of Johnson.	Dean.
Bedford.	Devall.
Burns.	Engelhard.
Butler.	Ford.
Canon.	Graves.

Griffith.	Moore.
Hankamer.	Morrison.
Hicks.	Morse.
Hill of Brazoria.	Parkhouse.
Hill of Webb.	Patterson.
Hodges.	Ratliff.
Holekamp.	Ray.
Holland.	Reader.
Hughes.	Ross.
Hyder.	Shannon.
Jefferson.	Steward.
Johnson.	Stinson.
of Anderson.	Tarwater.
Kayton.	Townsend.
Kyle of Hays.	Van Zandt.
Magee.	Wagstaff.
McDougald.	Walker.
Metcalfe.	Winningham.
Moffett.	

Nays—74

Adamson.	Leonard.
Aikin.	Lindsey.
Alsup.	Long.
Baker.	Lotief.
Barrett.	Mackay.
Beck.	Mathis.
Bourne.	McKee.
Calvert.	Merritt.
Cathey.	Mitcham.
Chastain.	Palmer.
Colson.	Pavlica.
Coombes.	Pope.
Cowley.	Puryear.
Davidson.	Ramsey.
Dunagan.	Reed of Bowie.
Dwyer.	Reed of Dallas.
Fain.	Renfro.
Few.	Riddle.
Fisher.	Roberts.
Fuchs.	Rogers of Hunt.
Glass.	Rogers
Golson.	of Ochiltree.
Good.	Rollins.
Goodman.	Russell.
Greathouse.	Savage.
Haag.	Scarborough.
Harris.	Scott.
Harrison.	Smith.
Hartzog.	Stanfield.
Head.	Stovall.
Hester.	Sullivant.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hunt.	Turlington.
James.	Vaughan.
Jones of Runnels.	Wells.
Kyle of Palo Pinto.	Wood.
Laird.	

Present—Not Voting

Jones of Atascosa.

Absent

Alexander.	Dunlap.
Barron.	Duvall.
Camp.	Harman.

Holloway.	Nicholson.
Jones of Shelby.	Shults.
Latham.	Tennyson.
Lemens.	Weinert.
McClain.	West.
McCullough.	Young.
McGregor.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—66

Adamson.	Jones of Atascosa.
Aikin.	Jones of Shelby.
Alsup.	Kyle of Palo Pinto.
Baker.	Laird.
Barrett.	Leonard.
Beck.	Lotief.
Bourne.	McDougald.
Calvert.	McKee.
Camp.	Merritt.
Cathey.	Mitcham.
Chastain.	Palmer.
Colson.	Pavlica.
Coombes.	Pope.
Cowley.	Puryear.
Davidson.	Ramsey.
Dunagan.	Reed of Bowie.
Fain.	Reed of Dallas.
Fisher.	Renfro.
Fuchs.	Rogers of Hunt.
Glass.	Rogers
Golson.	of Ochiltree.
Good.	Rollins.
Goodman.	Russell.
Greathouse.	Savage.
Haag.	Scarborough.
Harman.	Scott.
Harris.	Smith.
Harrison.	Stanfield.
Hartzog.	Sullivant.
Head.	Tarwater.
Hester.	Vaughan.
Huddleston.	Wells.
Hunt.	Wood.
James.	

Nays—62

Anderson	Dwyer.
of Johnson.	Engelhard.
Bedford.	Few.
Burns.	Ford.
Butler.	Graves.
Canon.	Griffith.
Clayton.	Hankamer.
Crossley.	Hicks.
Daniel.	Hill of Brazoria.
Dean.	Hill of Webb.
Devall.	Hodges.

Holekamp.	Parkhouse.
Holland.	Patterson.
Hoskins.	Ratliff.
Hughes.	Ray.
Hyder.	Reader.
Jefferson.	Riddle.
Johnson	Roberts.
of Anderson.	Ross.
Jones of Runnels.	Shannon.
Kayton.	Steward.
Kyle of Hays.	Stinson.
Lemens.	Stovall.
Lindsey.	Tennyson.
Mackay.	Thomas.
Magee.	Tillery.
McClain.	Townsend.
McCullough.	Turlington.
Metcalfe.	Van Zandt.
Moffett.	Wagstaff.
Morrison.	Walker.
Morse.	Winningham.

Absent

Alexander.	Mathis.
Anderson	McGregor.
of Bexar.	Moore.
Barron.	Nicholson.
Dunlap.	Shults.
Duvall.	Weinert.
Holloway.	West.
Latham.	Young.
Long.	

Absent—Excused

Bradley.	Johnson
Caven.	of Dimmit.
Jackson.	Munson.

Mr. Vaughan moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Question—Shall House Bill No. 169 pass to engrossment?

TO COMMEMORATE TEXAS INDEPENDENCE DAY

Mr. Jefferson offered the following resolution:

Whereas, At the general convention held in Washington, Texas, March 1 to 17, 1836, there was introduced and passed the following resolution by Mr. Childress:

“Resolved, That a single star of five points, either of gold or silver, be adopted with the peculiar emblem of this Republic; and that every officer and soldier of the army, and members of this convention, and all friends of Texas, be requested to wear it on their hats or bosoms”; and

Whereas, Today being March 2, the day officially declared to be Texas Independence Day, Miss Adina De Zavala, President of the Texas Historical and State Landmarks Association, has furnished a sufficient number of this emblem so that each Member of the Legislature might commemorate this day by wearing one, therefore, be it

Resolved, That we, the Members of the House of Representatives of the Forty-third Legislature, continue this custom by wearing upon our bosom the official standard of Texas.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, March 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 356, A bill to be entitled “An Act to amend Article 824, Code of Criminal Procedure of the State of Texas, so as to provide that when a penalty of death or life imprisonment has been assessed, and a defendant escapes pending appeal, the Court of Criminal Appeals may reinstate the appeal under certain conditions; providing that this Act shall take immediate effect, and govern cases now pending and not finally disposed of in said Court, and declaring an emergency.”

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 356, to the Committee on Criminal Jurisprudence.

RECESS

On motion of Mr. Tennyson, the House, at 12:25 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Congressional and Legislative Districts: House Bill No. 224.

Counties: House Bills Nos. 7, 596, and 644.

Insurance: House Bills Nos. 377 and 467.

Revenue and Taxation: House Bills Nos. 538 and 537.

Appropriations: Senate Bills Nos. 256 and 70.

Constitutional Amendments: House Joint Resolution No. 5.

Criminal Jurisprudence: House Bills Nos. 225, 726; and Senate Bill No. 356.

The Committee on Judiciary filed an adverse report on House Bill No. 117.

The Committee on Judiciary filed an adverse report, with a minority favorable report, on House Bill No. 571.

The Committee on Common Carriers filed an adverse report, with a minority favorable report, on House Bill No. 368.

The Committee on Rules filed an adverse report on House Simple Resolution No. 79.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, March 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 247, A bill to be entitled "An Act defining certain words, terms, and phrases, for the purposes of this Act, providing and imposing an occupation tax on the first sale, distribution, or use of motor fuel in this State; providing certain exceptions, exemptions, and deductions from the tax hereby levied; providing for refunds of taxes paid in certain instances and under certain conditions, requiring distributors of motor fuel to obtain a permit, and to file with the Comptroller of Public Ac-

counts, a surety bond, or in lieu of bond, to deposit in a suspense account in the State Treasury, an amount of money equal to the amount of bonds required; providing that any manufacturer, or refiner, may transfer the tax imposed upon the sale of casinghead, or natural gasoline, to any distributor holding a permit, as required by this Act, upon certain conditions; regulating the issuance of such permits and providing for and regulating the suspension and revocation of permits issued; providing for, and requiring, distributors of motor fuel to file new, or additional, bonds in certain instances; providing that all taxes, fines, penalties, and interest under this Act shall be a first lien on all property of the distributor, requiring and regulating the keeping of records by distributors of, and dealers in, motor fuel, and providing for and authorizing the auditing and examination of records kept, and authorizing officers to gauge, measure, and take samples of the contents of containers of petroleum products, or their substitutes, for certain purposes; providing for the payment of the taxes hereby levied, and providing penalties, interest, and forfeitures for failure to pay the taxes levied hereunder; providing for the filing of suits by the Attorney General, or his representatives, for taxes due, or past due, and providing for observance of certain procedure in such suits; providing and imposing certain penalties against and upon persons failing to comply with the terms of this Act; providing for recovery of the penalty, or forfeitures imposed hereunder, by suits in the proper court of Travis County, Texas; providing for examination of books, or records, of common carriers showing transportation of motor fuel; requiring common carriers to make sworn reports to the Comptroller of Public Accounts of all shipments of motor fuel; requiring certain carriers of motor fuel to keep and carry manifests issued by distributors or dealers, authorizing certain officers to stop carriers transporting motor fuel to determine whether the provisions of this Act are being complied with, and prescribing the procedure to be followed in event the carrier is violating the requirements of this Act; providing that the taxes collected hereunder shall be paid into a special

fund to be known as the Highway Motor Fuel Tax Fund; providing for the refunding of taxes paid on motor fuel in certain instances upon certain conditions where used for purposes other than propelling motor vehicles on the public highways, roads, and streets of this State; providing for the distribution of the moneys held in the Highway Motor Fuel Tax Fund, providing that the Comptroller of Public Accounts may make rules and regulations for the purpose of carrying out the provisions of this Act; providing that any person who, as distributor of motor fuel, shall sell any motor fuel upon which a tax is levied, without having a permit to do so, or who, as employe, agent, or representative of any distributor of motor fuel, shall, knowing said distributor has no valid permit, sell motor fuel, or whoever shall destroy, mutilate, or secrete any of the books, records, etc., required by this Act to be kept, or whoever shall refuse access to such records to the Attorney General, the Comptroller of Public Accounts, or the representatives of either, or whoever shall knowingly make a false entry in, or fail to keep, the records required to be kept by this Act, or shall make a false or incomplete return or report required by this Act, or whoever shall wilfully forge or falsify any invoice of exemption as herein provided for, or who shall transport any motor fuel, kerosene, naphtha, distillate, casinghead, or natural gasoline under false billing, or shall refuse to stop a motor vehicle transporting motor fuel when called upon to do so by a person authorized to stop such vehicle hereunder, or whoever refuses to permit examination of his records or cargo by such person, or whoever shall make any false statements for a refund filed under the provisions of this Act as to any material fact, shall be guilty of a felony, punishable by confinement in the State penitentiary, or the county jail, or by fine, or by both such fine and imprisonment, and conviction, shall automatically forfeit the right to obtain a permit for a period of two (2) years; providing that two-thirds ($\frac{2}{3}$) of one per cent (1%) of the taxes collected under this Act shall be set aside for the enforcement of the provisions hereof, creating a Motor Fuel Tax Division,

providing for employes therein, prescribing maximum salaries, providing for the equipment and supplies, and other expenses necessary to enforce this Act; repealing Chapter 93, Acts of the Regular Session of the Fortieth Legislature, Sections 17, 18, and 19, of Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, and Chapter 98, Acts of the Regular Session of the Forty-second Legislature; providing that obligations existing, and all taxes accruing hereafter, or now due, and or delinquent under prior or existing gasoline tax laws are expressly preserved, and declared to be legal and valid obligations due to the State, and the liens created, and the obligations of bonds executed to secure their payment are hereby declared to be in full force and effect; providing that if any section, subsection, sentence, clause or phrase in this Act shall be held or declared to be unconstitutional or invalid for any reason, such holding shall not impair or affect the remaining portions of this Act, and the same shall be and remain in full force and effect, providing further that no offense committed, and no fine, forfeiture, or penalty incurred under such prior or existing laws prior to the time this Act shall become effective, shall be affected by the repeal of any such laws, by the punishment of such offense, and the recovery of such fines and forfeitures shall take place as if the law repealed had remained in force, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, March 1, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 505, "An Act amending Section 1, Chapter 213, Acts of the Regular Session, Forty-second Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of
Hon. Thomas J. Walsh

Mr. Anderson of Johnson offered the following resolution:

H. C. R. No. 41, In memory of Hon. Thomas J. Walsh.

Whereas, The Hon. Thomas J. Walsh, United States Senator from Montana, departed this life at 7:10, Thursday morning, March 2; and,

Whereas, The Hon. Thomas J. Walsh had recently been selected, by President-elect Franklin D. Roosevelt, as Attorney General in the new Democratic Cabinet; and,

Whereas, America has lost one of its most noble statesmen, and the Democratic Party has been called to surrender one of its most noble sons; and,

Whereas, The Nation mourns the passing of this great Democratic statesman, and considers it to be a National tragedy; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Forty-third Legislature express its bereavement at the death of Hon. Thomas J. Walsh, and further expresses its heartfelt and sincere sympathy to the family of Hon. Thomas J. Walsh in this dark hour of their bereavement; be it further

Resolved, That when the House adjourns on this day it be in memory of Hon. Thomas J. Walsh, and that a page of the Journal be dedicated for the purpose of paying tribute to this loyal Democrat; be it further

Resolved, That copies of this resolution be forwarded by the Chief Clerk to the family of Hon. Thomas J. Walsh, and to the President-elect of the United States, Hon. Franklin D. Roosevelt.

ANDERSON of Johnson,
JAMES,
HEAD,
RENFRO,
FORD,
MOORE.

The resolution was read second time, and was unanimously adopted.

In Memory of
Mr. Earnest Jerome Parker

Mr. Van Zandt offered the following resolution:

Whereas, On March 1, 1933, Mr. Earnest Jerome Parker, distinguished citizen of North Texas, and editor of the Sherman Democrat for a quarter century, died at his home at Sherman, Texas, after a month's illness, and

Whereas, He was a true aristocratic gentleman of the old school, and assisted materially in molding the thought of his section of the State, and

Whereas, He was, for more than sixty years, having come to this State in 1873, and from that time to his death, taking an active interest in the welfare of his adopted State and its citizens, and

Whereas, He was a writer of distinction and ability, and a man of outstanding character; kind in his nature and beloved of his associates; therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the passing of Mr. Earnest Jerome Parker, the South and the State of Texas and its citizens have lost a gallant hero, a courteous gentleman, and a truly great citizen; therefore, be it further

Resolved, That a copy of this resolution be printed in the Journal of the House, and that one copy be sent to his family, and that when the House adjourns today it be in respect to the memory of Mr. Earnest Jerome Parker.

VAN ZANDT,
ADAMSON,
SULLIVANT,
BARRETT,
BARRON.

The resolution was read second time, and was unanimously adopted.

In Memory of Hon. Fritz R. Smith

Mr. Merritt offered the following resolution:

Whereas, During the month of February, 1932, the Hon. Fritz R. Smith, a former distinguished Member of this House, from Scurry County, during the Thirty-fifth Legislature, was called to his eternal rest, and

Whereas, During his lifetime he served as Chairman of the Board of Pardons under the Hobby Administration, and as county attorney and county judge of his county, and at the time of his death was serving as District Judge of the Thirty-second Judicial District, filling all positions with trust and honor; and

Whereas, His activity in governmental affairs and his unselfish service to his State and county will long be remembered by his fellow Members, therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the death of Hon. Fritz R. Smith, the State has lost a useful and prominent citizen, and be it further

Resolved, That a copy of this resolution be printed on a page set apart for that purpose of the House Journal of the House of Representatives, and that one copy be sent to each member of his family, and that when the House adjourns today that it do so in respect to the Hon. Fritz R. Smith.

MERRITT,
METCALFE,
SCOTT.

The resolution was read second time.

On motion of Mr. Lindsey, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holkamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winingham, Wood, Young.

The resolution was then adopted by a rising vote: